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FROM: Gero G. McClellan
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ORIGINAL TO FOLLOW? ☐ YES ☒ NO

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF DATED MAY 24, 2005

U.S. SERIAL NO.: 09/630,976
FILING DATE: August 2, 2000
INVENTOR: Bates et al.
EXAMINER: Oanh Duong
GROUP ART UNIT: 2155
CONFIRMATION NO.: 7828

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271513_1

PATENT
Atty. Dkt. No. ROC920000102US1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**In re Application of:
Bates et al

Serial No.: 09/630,976

Confirmation No.: 7828

Filed: August 2, 2000

For: Time-Based Browser
ConfigurationsMAIL STOP Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450§
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Group Art Unit: 2155

Examiner: Duong, O.

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June 9, 2005

Date

Gero G. McClellan

Dear Sir:

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF DATED MAY 24, 2005**

Applicants submit this Response to Notification of Non-Compliant Appeal Brief dated May 24, 2005. Applicants filed an original Appeal Brief to the Board of Patent Appeals and Interferences on July 26, 2004, appealing from the decision of the Examiner of Group Art Unit 2155 dated March 15, 2004, finally rejecting claims 1, 3-10, 12-18 and 26-30. A first Notice of Non-Compliant Appeal Brief was mailed by the Examiner October 27, 2004 stating that the original Appeal Brief was non-compliant with 37 CFR 1.192(c). Applicants filed an Amended Appeal Brief in compliance with 37 CFR 1.192(c) on November 8, 2004.

Applicants subsequently received the second Notice of Non-Compliant Appeal Brief dated May 24, 2005. In the second Notice, Examiner states that Applicant must file an amended brief in compliance with 37 CFR Sec. 41.37. However, the "Clarification of the Effective Date Provision in the Rules of Practice before the Board of

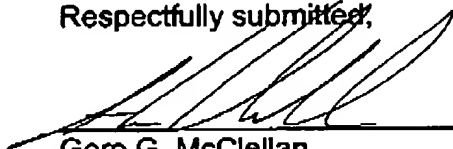
Patent Appeals and Interferences" (See 1287 O.G. 66, October 12, 2004) contains the following pertinent language:

Question 6. If an appeal brief filed before the effective date of September 13, 2004 fails to comply with the content and format requirements of Sec. 1.192 and the Office mails appellant a Notice that correction is required, would an amended appeal brief filed on or after the effective date be required to be in compliance with Sec. 41.37(c)?

No, an amended appeal brief, based on an appeal brief originally filed prior to September 13, 2004, would be acceptable if it complies with either former Sec. 1.192 or Sec. 41.37(c), regardless of when the Office mailed a Notice requiring correction of the noncompliant appeal brief. (1287 O.G. 66, October 12, 2004, emphasis added)

Here, Applicants filed the original Appeal Brief on July 26, 2004, before September 13, 2004, the effective date of the Rules of Practice before the Board of Patent Appeals and Interferences. Therefore, the Amended Appeal Brief may comply with either former Sec. 1.192 or Sec. 41.37(c) per the rule cited above. Applicants submit the Amended Appeal Brief filed November 8, 2004 is at least compliant with former Sec. 1.192. Accordingly, Applicants respectfully request withdrawal of the Notice of Non-Compliant Appeal Brief.

Respectfully submitted,



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